IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

**THURSDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND SIX**

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.25005 of 1996

Between:

1.Sowdhagar Abdul Gafoor and 3 others.

..... PETITIONERS

AND

**1.The District Collector,
Guntur, Guntur District, and 3 others.**

.....RESPONDENTS

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.25005 of 1996

Order:

The writ petitioners, four in number, seek a declaration that the action of the respondents in seeking to demolish the houses/shops belonging to the petitioners situated in Survey No.390/1A1, Vinukonda Village, Vinukonda Mandal, Guntur District, without providing alternative site and without

giving prior notice to them as bad.

The entire case centers around the proposed action of the respondents of widening the road between Vinukonda and Karampudi villages.

In the counter-affidavit filed by respondents 1 and 2, it has been asserted that the writ petitioners were granted the house site pattas as under:

1. Sowdagar Abdul Gafoor S/o.Fareed 660 Square links
2. Sowdagar Abdul Khadar S/o. Hateez 108 Square links
3. Pattan Khasim Khan S/o. Khasim Saheb 320 Square links
4. Sk.Mastan S/o. Meera Saheb 320 Square links

and that the petitioners have encroached and erected temporary constructions with mud walls and zinc sheets to an extent of 31.80 square meters of land in Survey No.390/2, which, in fact, was a road poramboke. Therefore, the respondent-department is initiating steps to evict the petitioners from out of the land, which they have encroached upon and which was not assigned to them. Since the Vinukonda to Karampudi road is linking the major road connecting Guntur and Kurnool, it has become absolutely necessary to undertake the road widening exercise, and in that process, to evict all persons, who have occupied unauthorisedly the land, which belongs to the Government.

If it is inevitable to take possession of such land as is required for accomplishing this public project, the respondents are, undoubtedly, bound to adhere and follow

all the norms, which are required to be followed, such as putting the writ petitioners and all others, who are likely to be affected, on notice, and give them reasonable time to retrieve their valuables before the actual demolition work is undertaken. It is needless to observe that if the land belonging to the citizens is also required for the purpose of undertaking the project, the same has got to be acquired in accordance with law, by paying the necessary compensation.

With these observations, the Writ Petition is disposed of. However, if the assigned land is resumed by the State Government, it is always open to the writ petitioners to seek assignment of appropriate extent of land, if it is available in the same village, by filing an appropriate application, which shall be considered by the State Government sympathetically. There shall be no order as to costs.

(Nooty Ramamohana Rao, J)

23rd November, 2006

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